

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES JOHNSON,

Petitioner,

No. 08-13741

vs.

Hon. Gerald E. Rosen

JOHN PRELESNIK,

Respondent.

\_\_\_\_\_ /

ORDER DENYING APRIL 16, 2013  
MOTION FOR RELIEF FROM JUDGMENT

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on April 18, 2013

PRESENT: Honorable Gerald E. Rosen  
United States District Chief Judge

This matter is presently before the Court on Habeas Corpus Petitioner James Johnson's April 16, 2013 "Motion for Relief from Judgment to Allow Petitioner's Objections to Magistrate's Report and Recommendation to Proceed Timely." The Report and Recommendation to which Petitioner seeks to object was entered on June 23, 2010, i.e., nearly three years ago.

This is the second such motion for relief from judgment filed by Petitioner and it is *identical* in all material respects to the Motion for Relief from Judgment he filed last year, on January 31, 2012. The Court denied that Motion in an Order entered on August 17, 2012. The reasons for denial of the motion set forth in that Order apply with respect

to the instant Motion, as well. There are no changed circumstances and no new arguments advanced. Therefore,

For the reasons stated by the Court in its August 17, 2012 Order Denying Motion for Relief from Judgment (Dkt. # 23), incorporated herein by reference,

IT IS HEREBY ORDERED that Petitioner's April 16, 2013 Motion for Relief from Judgment [**Dkt. # 24**] is DENIED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: April 18, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 18, 2013, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5135